Water Quality Management Plan Amendment Process and Procedures

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CHICAGO METROPOLITAN AGENGY FOR PLANNING

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(updated June 25, 2007)

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The policies and procedures contained herein are not necessarily those of the Illinois Environmental Protection Agency.

PREFACE

The Governor of Illinois designated the Chicago Metropolitan Agency for Planning (CMAP) as the areawide water quality planning agency for the seven-county metropolitan area. The Illinois Environmental Protection Agency has assigned to CMAP the responsibility for reviewing wastewater permits and wastewater facility plans for consistency with the *Illinois Water Quality Management Plan*. These reviews and recommendations are advisory to the IEPA, which maintains authority for amendments to the state water quality plan.

To ensure consistency with these plans and to identify situations requiring a plan amendment CMAP, under contract the IEPA and as outlined in the Illinois Compiled Statutes (70 ILCS 1705), through its Wastewater Committee, performs water quality consistency reviews of the National Pollution Discharge Effluent Standard permits, facility plans and specified construction and operating permits for treatment plants, sewers, lift stations, land treatment systems and appurtenances. These reviews are conducted for covered activities proposed for Cook, DuPage, Kane, Kendall, Lake, McHenry and Will Counties.

The Water Quality Management Plan Amendment Process and Procedures Manual and accompanying application form have been prepared to:

- 1) provide applicants with necessary information on CMAP's water quality review procedures and review criteria; and
- 2) provide applicants with necessary forms for initiating a water quality amendment request.

This Manual provides:

- 1) information on the legislative and regulatory authority under which the Illinois Environmental Protection Agency and the Chicago Metropolitan Agency for Planning conduct water quality reviews:
- a description of the process and amendment levels utilized by CMAP's Wastewater Committee; and
- an overview of the review criteria utilized CMAP. Completion of the water quality amendment application is required to initiate CMAP's processing and review of a water quality amendment request.

Assistance in completing the amendment application can be obtained by contacting the Illinois Environmental Protection Agency or the Chicago Metropolitan Agency for Planning.

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Division of Water Pollution Control
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217/782-3362, Fax 217/782-9891

The Illinois Environmental Protection Agency (IEPA) is the State's lead agency for federal and State environmental protection programs and initiatives. The IEPA works with a variety of State agencies, local governments, and the United States Environmental Protection Agency (USEPA) to monitor pollutant discharges and to assist in the enforcement and formulation of environmental standards and policies. The IEPA has the authority to issue National Pollutant Discharge Elimination Systems (NPDES) permits for pollution sources and ensure compliance with permit requirements.

The Chicago Metropolitan Agency for Planning (CMAP) was created in 1957?? by the Illinois General Assembly to be the advisory comprehensive planning agency for the seven-county northeastern Illinois region. The Northeastern Illinois Planning Act gave CMAP three statutory charges: to conduct research and collect data for planning; to advise and assist local government; and to prepare comprehensive plans and policies to guide the development of the counties of Cook, DuPage, Kane, Kendall, Lake, McHenry and Will.

The federally approved **Illinois Water Quality Management Plan** integrates the approved water quality management plans developed by the Northeastern Illinois Planning Commission, the Southwestern Illinois Metropolitan and Regional Planning Commission, and the Greater Egypt Regional Planning and Development Commission. The Plan identifies the following items as base data for water quality consistency reviews:

- geographic location of wastewater facility planning area (FPA) boundaries;
- designated management agencies for collection, treatment and transport within each facility planning area; and
- current and planned facility treatment capacity, including the identification of all facility locations and discharge points.

WATER QUALITY MANAGEMENT PLAN AMENDMENT PROCESS AND PROCEDURES

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BASIC QUESTIONS AND INFORMATION

What Activities require amendment of the approved *Illinois Water Quality Management Plan?*

Amendments are required to reflect 1) change to population projections for the 20-year planning period set forth in approved facilities plans; 2) new FPA designated management agencies; 3) termination of FPA designated management agency; 4) changes to facility planning area boundaries; 5) new or modified sewage treatment works not identified in areawide or State water quality plans; 6) new or modified domestic NPDES permits; and 7) other activities where a significant amount of public interest/concern exist. (III. Administration Code, Title 35, Subtitle C, Chapter II, Part 351, Subpart A, Section 351.103, a)

Who may apply for amendment of the *Illinois Water Quality Management Plan?*

Amendment requests must be initiated by the Illinois Environmental Protection Agency, a facility planning agency, designated management agency, or one of the three identified areawide water quality planning agencies. Proposals for new discharges/wastewater facilities from public and/or private entities are viewed as requests for "designation as a management agency." Interim standing is provided and amendment proposals are accepted from facility sponsors. (III. Administration Code, Title 35, Subtitle C, Chapter II, Part 351, Subpart B, Section 351.201, a)

What is required to initiate CMAP's consideration of an amendment proposal?

A completed "Water Quality Amendment Application" is required to initiate processing of a water quality amendment request. *Applications lacking critical information will not be processed until all necessary information and supporting documentation is received.* (Ill. Administration Code, Title 35, Subtitle C, Chapter II Part 351, Subpart B, Section 351.201 b)

Are updated facility plans or plan supplements required?

Any amendment application involving: 1) a substantial change in a facility planning area, 100 or more acres, and/or 2) a new or expanded treatment facility, involving a capacity increase of 0.25 mgd or 10 percent, should be accompanied by an up-to-date facility plan information.

What are the minimum components of a facility plan?

Facility plans should address a *20-year* planning horizon. A 20-year facility planning area is large enough to accommodate and plan for expected future growth but it is small enough to help ensure that resultant growth is reasonably compact and contiguous. Facility plan information should include, at a minimum, the following components. (Note that more detailed descriptions of facility plan requirements are contained in federal and State regulations and in USEPA's *Construction Grants – 1985.*) Federal and State regulations and guidance stipulate the topics and level of detail to be included in a facility plan. In general, a facility plan should include a sufficient level of detail to ensure that wastewater service is being provided in the most cost effective manner with the least impact on water quality and waterbody use attainment. (For example, a cost-effectiveness evaluation should include a present worth analysis to enable direct comparison of alternatives.)

- description of the existing FPA, including boundaries, existing and future population, land use, and an assessment of consistency with regional forecasts
- coordination with adopted land use/comprehensive plans
- description of existing receiving stream water quality and use impairments
- description of effluent standards and performance of existing facilities
- boundaries for present and future wastewater service, considering watershed boundaries
- existing and future wastewater service needs (e.g., capacities)
- analysis of wastewater treatment options, including cost-effectiveness
- analysis of wastewater conveyance options, with cost-effectiveness
- description of cost impacts on wastewater system users
- infiltration/inflow analyses
- analysis of alternative discharge locations to minimize water quality impacts
- analysis of regional treatment alternatives
- recommended treatment facilities and interceptor sewers
- analysis of residual sludge disposal alternatives
- watershed considerations, including nonpoint source control strategies
- analysis of water supply implications
- description of financial, legal, institutional, and management arrangements of the applicant to implement the plan
- documented public participation process
- documented intergovernmental coordination process

Pre-Submittal Coordination

Applicants should discuss proposed water quality amendments with the responsible designated management agency, county, municipal planning department and public works department prior to the submittal of a water quality amendment application. Early discussions with these agencies will identify and aid in the resolution of any problems prior to CMAP review and consideration. The following listing of management agencies in the seven county northeastern Illinois area is provided to assist applicants in identifying the appropriate wastewater management agency.

Applicants should also arrange a pre-submittal meeting with CMAP's Programming Department review staff to discuss the proposed amendment request. Pre-submittal meetings focus on the content and adequacy of the application package, preliminary identification of issues that must be addressed, and a schedule for CMAP processing.

Northeastern Illinois Designated Management Agencies

Cook County	Department of Planning and Development, 69 W. Washington Street, Chicago, Illinois 60602, 312/603-1000, Fax 312/603-9970
	Metropolitan Water Reclamation District of Greater Chicago, 100 East Erie Street, Chicago, Illinois 60611, 312/751-5600
DuPage County	Development Department, 421 North County Farm Road, Wheaton, Illinois 60187, 630/862-7230, Fax 630/407-6700
	Department of Environmental Concerns, 421 N. County Farm Road, Wheaton, Illinois 60187, 630/407-6700
Kane County	Development Department, 719 Batavia Avenue, Geneva, Illinois 60134, 630/232-3480, Fax 630/208-2189
Kendall County	Planning, Building and Zoning Department, 111 Fox Street, Yorkville, IL 60560, 630-553-4141
Lake County	Department of Planning, Zoning and Environmental Quality, 18 North County Street, Waukegan, Illinois 60085, 847/360-5739, Fax 847-377-2875
	Department of Public Works, 650 Winchester Road, Libertyville, Illinois 60048, 847/377-7500
McHenry County	Planning Department, 2200 North Seminary Street, Woodstock, Illinois 60098, 815/334-4213, Fax 815/338-3991

Will Land Use Department, 58 East Clinton Street, Suite 500, Joliet, County Illinois 60432, 815/774-3321, Fax 815/727-8638

CMAP WATER QUALITY AMENDMENT REVIEW FEE

Section 33.5 (a) of the Northeastern Illinois Planning act, as amended (70 ILCS 1705), states that:

The Commission shall review applications to change the boundaries of a wastewater facility planning area as an amendment to the State of Illinois Water Quality Management Plan required under the Federal Clean Water Act when that review is required under that act and is requested by the appropriate designated management agency under the Environmental Protection Act or the Federal Clean Water Act.

Section 33.5 (b) of the act, as amended, states that – Beginning January 1, 1994, the Commission may charge a reasonable fee for performing reviews under this Section. ... The Commission may establish a schedule of fees, and the fees shall be sufficient to pay, in whole or in part, the estimated costs of conducting reviews based on historical data concerning the costs of conducting similar reviews and the availability of either federal or state funds appropriated for this purpose. The total fee for reviewing an application shall not, however, exceed \$10 multiplied by the total number of acres involved in the application.

Covered Amendment Applications

The fee schedule has been developed to recover the costs of performing certain types of Level I and II submittals, including land treatment as well as other methods of wastewater treatment, seeking amendment of applicable State and areawide water quality plans to reflect 1) the establishment of a new wastewater facility planning area; or 2) a change in the boundaries of an existing wastewater facility planning area.

The fee does not apply to Level II submittals involving the construction and/or expansion of facilities located within existing FPAs, provided no accompanying change in FPA boundary is involved. Further, the fee schedule does not apply to "Level III" submittals for NPDES permit reissuances or modifications, or to map and tabular information corrections.

■ Fee Schedule Covered Submittals – \$10.00 per acre

Payment of fees must be made by check, independently for each amendment request affecting facility planning area boundaries, payable to the Chicago Metropolitan Agency for Planning, and shall be submitted along with the amendment request application.

In the case of joint applications, the decision as to who pays the fee should be settled between the applicants. No discounts will be provided from the above fee schedule. Changes within facility planning areas (i.e., changes in internal service

areas, interceptor construction, etc.) are not subject to the fee. If a boundary amendment application is withdrawn after CMAP has accepted the application, the fee will not be refunded.

LEGISLATIVE AND REGULATORY AUTHORITY

Illinois Environmental Protection Agency

The Illinois Environmental Protection Act designated the Illinois Environmental Protection Agency as the pollution control agency for the State of Illinois for all purposes of the federal Clean Water Act. In addition, the Act specifically authorized the Agency "to engage in planning processes and activities to develop plans in cooperation with units of local government, other state agencies and persons, and to promulgate procedural regulations for the holding of public hearings on the planning process."

Section 303(e) of the act requires the State of Illinois to have a continuing planning process approved by the United States Environmental Protection Agency (USEPA), resulting in water quality management plans for all navigable waters in the state. These plans incorporated the elements of all areawide water quality management plans adopted under Section 208 of the Clean Water Act and provided procedures for revision of the water quality management plans. In May of 1983, the IEPA certified its *Illinois Water Quality Management Plan*. On May 22, 1984, the USEPA unconditionally approved the state plan. (Clean Water Act (33 U.S.C. 1251 et seq.) (415 ILCS 5/4.4(1), 1992 State Bar Edition)

Northeastern Illinois Planning Commission

On November 21, 1974, the Northeastern Illinois Planning Commission established a Water Quality Management Committee to direct its water quality management planning process. In 1975, the Governor of Illinois designated NIPC as the areawide water quality planning agency for the seven-county northeastern Illinois metropolitan area (Governor Walker Executive Order, May 13, 1975).

The commission's role in water quality plan amendment reviews has been further clarified by Section 33.5 of the Northeastern Illinois Planning Act (70 ILCS 1705/33.5) which authorizes the Commission to conduct reviews of requests, in the northeastern Illinois area, to amend the Illinois Water Quality Management Plan and to charge a fee for reviews of applications for changes in the boundaries of a wastewater facility planning area. the Commissions' review responsibility and a fee schedule have been codified and incorporated into the Illinois Administrative Code (35 III. Admin. Code Part 399).

The Wastewater Committee has the responsibility:

- To advise CMAP and local governments and coordinating agencies in the resolution of water quality issues (**Commission** Bylaws as amended June 20, 1991);
- To advise CMAP, as necessary, in the performance of its delegated clearing-house and review responsibilities and on the relationship between the water quality management plan and other plans, policies, and forecasts of the Commission (**Commission** By-Laws as amended June 20, 1991); and
- To receive and act upon requests to amend the 208 Plan in accordance with procedures for amendment and revision of Commission plans as delineated in the adopted **Commission** resolution of June 17, 1976 and the "Water Quality Management Interim Amendment Process" (**Commission** Bylaws as amended June 20, 1991).

The membership of the Wastewater Committee is established by Senate Bill 1201. In 1981, the **Commission** entered into a contractual arrangement with the Illinois Environmental Protection Agency. The terms of this agreement, financed under Section 205j of the Clean Water Act, include the performance of water quality management plan consistency reviews; participation in any conflict resolution procedures; and support of the Wastewater Committee.

The Chicago Metropolitan Agency for Planning also maintains and provides the Illinois Environmental Protection Agency with annual updates of facility planning area boundaries, designated management agency status, and the current and planned treatment capacity for permitted discharges located in the seven-county northeastern Illinois area.

AMENDMENT CATEGORIES AND PROCESSING PROCEDURES

REPLACE THIS WITH LANGUAGE ABOUT CMAP: In September 1983, the Northeastern Illinois Planning Commission, through Resolution 83-9, adopted the following water quality plan amendment review procedures. Under this procedure, amendment requests are reviewed under one of three defined amendment processes.

Level I: Consideration by Wastewater Committee

Level 1 amendment requests are the highest level of amendment and are used for those proposals which are areawide in their anticipated impact and/or which have extensive ramifications for the plan or the implementation process. These ramifications include, but are not limited to, requests judged by CMAP to have a regional impact. In ascertaining the impact of a requested amendment, CMAP looks for substantial intergovernmental controversy, the potential for regional

water quality, environmental, development and/or population growth impacts, and/or a major impact on other State or regional plans and policies.

Any amendment request which proposes a reduction of the Agricultural Preservation Area identified in the *Strategic Plan for Land Resource Management* exceeding one hundred acres or more requires Level I processing (see Appendix VII).

Level I amendments are acted upon by the CMAP Wastewater Committee after a formal public hearing. Hearings are announced in area newspapers 45 days in advance and usually include daytime and evening sessions. The following steps are followed in the processing of a Level I request.

- 1. CMAP staff notifies affected/interested management agencies, local governments, and State, regional, county, and local agencies of the requested water quality plan amendment.
- 2. Following an initial review by CMAP staff, a recommendation for elevation to Level I status is made to the Wastewater Committee. If assignment of Level I status is accepted by the Committee, public hearings are authorized, upon request. (NOTE: certain types of amendments are automatically handled as Level I submittals, see Appendix Number VII)
- A public hearing notice is distributed to local governments, interested parties, and published in a newspaper of general circulation in the seven-county area, if a public hearing is requested.
- 4. An informational overview of the requested Level I plan amendment is provided to Wastewater Committee members.
- 5. A duly announced public hearing is held, if requested, between 45 and 55 days after publication of public notice.
- 6. Following the hearing and the close of the hearing record, CMAP staff prepares a hearing summary and review position for the Wastewater Committee.
- 7. The applicant and other interested parties are notified of the Wastewater Committee meeting at which the recommendation will be presented. However, no additional testimony, either oral or written, is accepted after the close of the hearing record or at subsequent CMAP meetings.
- 8. Wastewater Committee consideration and action are taken at regular quarterly or specifically scheduled meetings.
- 9. CMAP staff notifies applicant, Illinois Environmental Protection Agency, and other parties of the Committee recommendation.

Level II: Consideration by Wastewater Committee

Level II amendment procedures are used for requests that affect only a limited geographic area or which, if areawide, have only limited policy implications. These usually include amendment request of plan problem statements, commentary and/or management agency designations. Additionally, 201 facility plan changes or new domestic NPDES permit proposals from the IEPA are normally categorized and processed as Level II amendments. These include facility planning area boundaries; adoption or modification of facility plans; and schedule of facility improvements. Level II amendment requests are acted upon by the Wastewater Committee. Action is taken by the Wastewater Committee at the first regularly scheduled monthly meeting following a 45 day processing/public notice/commentary period. Steps followed in processing Level II amendments include the following:

- 1. CMAP staff schedules and issues 30 day public meeting notice of requested water quality plan amendment.
- 2. Notice of the meeting and a summary of the amendment request are sent to the affected designated management agency, local governments and sanitary districts, and other affected regional, county and municipal agencies.
- CMAP staff prepares draft review statement based on water quality review criteria and all local comments submitted. Draft review is distributed to applicant and other affected/interested parties prior to the Wastewater Committee meeting.
- 4. The Wastewater Committee considers the requested amendment at its first scheduled monthly meeting following the 45-day processing and public notice period. Applicant and other affected parties present additional information, clarify information submitted, and/or present points for Wastewater Committee consideration.
- 5. The Wastewater Committee voices its support, non-support, or conditional support for the requested amendment. If additional information is required, the Wastewater Committee may defer consideration for a specific period of time (See Appendix I). Notice of Wastewater Committee recommendation is forwarded to the Illinois Environmental Protection Agency.

Level III: Staff Level Consideration

Level III procedures are used for those plan changes that do not involve policy changes, but rather reflect changes and/or corrections in the factual basis of the plan and its supporting tables. Level III changes usually include 1) inventories; 2) cost estimates; 3) service area population forecasts based on CMAP adopted forecasts; 4) redesignation of management agencies; and 5) correction of wastewater facility tables and/or maps.

Level III amendment requests are reviewed by staff after a 15-day notice to interested and/or affected parties. The following steps are the basis of the Level III review process.

- 1. Staff reviews proposed amendment and notifies interested/affected local governments and organizations.
- 2. Staff action on amendment is taken following 15-day notice period. Recommendation is forwarded to the IEPA and the applicants.

REVIEW CRITERIA OF THE WASTEWATER COMMITTEE

The "Criteria for Facility Amendments to the Areawide Water Quality Management Plan for Northeastern Illinois" were developed in part to respond to the United States Environmental Protection Agency's conditions for the certification of the *Areawide Water Quality Management Plan* (40 Code of Federal Regulations 130.5(b)(4) & (5)). These conditions required the **Commission** to:

- develop a procedure for interim plan updating for amendments to the Areawide Water Quality Management Plan; and,
- establish a process to assess the environmental, social, and economic impacts of plan implementation throughout the continuing planning program... (40 Code of Federal Regulations 130.6(b) (c) (6) 40 Code of Federal Regulations 35.917 1 through 9).

The development of the nine criteria relied on federal and state statutes and regulations regarding facilities planning and water quality management planning. In essence, responses to these criteria provide information needed to assess the economic, social and environmental impact of carrying out the water quality management plan.

In addition, responses to these criteria provide baseline data needed to review a facilities plan amendment. (40 Code of Federal Regulations Part 6: Procedures for Implementing the Requirements of the Council of Environmental Quality on the National Environmental Policy Act; and Ill. Administrative Code, Title 35, Chap. II, Part 351, Subpart B, Section 351.202 a) and b).

Satisfactory compliance with the first five criteria is a necessary prerequisite for all amendment requests:

 Any proposed facility amendment must be designed to meet State of Illinois water quality standards for the receiving waters and the appropriate discharge standards or must receive a variance from the Illinois Pollution Control Board.

Supporting Legislation and Regulations: 415 ILCS 5/12(a)-(h), III. Administrative Code, Title 35, Subtitle C, Chap. I, Part 302, Subpart B, Sections 302.201 – 302.212; and Part 309, Subpart A, Section 309.142.

2. The population and employment for which the proposed amendment is designed must fall within the 20-year forecasts most recently adopted by CMAP for the facility planning area. CMAP may agree to adjustments within its regional forecast total.

Supporting Legislation and Regulations:

Illinois Water Quality Management Plan; & III. Administrative Code, Title 35, Subtitle C, Chap. II, Part 351, Subpart A, Section 351.103(i). (Procedures amendment of adopted CMAP population and household forecasts is delineated in Appendix III.)

3. The applicant must demonstrate that the unit of local government granting zoning to the project has formally accepted financial responsibility for the wastewater system in the event of system malfunction for failure. Such acceptance must be in the form of a resolution from the unit of government responsible for zoning.

Supporting Legislation and Regulations:

Wastewater Land Treatment Site Regulation Act (Public Act 85-1041) July 13, 1988, Section 3. (A model resolution for assuming financing responsibility is presented in Appendix IV.)

4. The proposed amendment should not reduce the effectiveness of the water quality improvement strategy contained in the original plan, either for point source or nonpoint source control.

Supporting Legislation and Regulations:

<u>Illinois Water Quality Management Plan</u> (Revised July 19991) (CMAP policies and procedures for determining consistency with point and nonpoint management policies are delineated in Appendices V and VI.) <u>Stormwater/Nonpoint Source Management</u> – Clean Water Act, Section 402(p),

<u>Illinois Water Quality Management Plan</u> – Construction Site Runoff, Urban Runoff.

Floodplain Management – An Act Related to the Regulation of the Rivers, Lakes and Streams of the State of Illinois (615 ICLS 5/5), Ill. Admin. Code, Title 92, Chap. I, Subchap. i, Pt. 706. Illinois Water Quality Management Plan Stream and Wetland Protection – U.S. Clean Water Act - § 401 & 404, Illinois Interagency Wetland Protection Act, and the Illinois Water Quality Management Plan.

5. The proposed amendment should not adversely affect the cost effectiveness of the Areawide Water Quality Management Plan for meeting water quality standards in the facility planning area as a whole.

Supporting Legislation and Regulations:

<u>Areawide Water Quality Management Plan for Northeastern Illinois</u> – 1/4/79,

<u>Regional Septage Disposal Plan</u> (An Element of the <u>Areawide Water</u> <u>Quality Management Plan for Northeastern Illinois</u>) – 9/17/81.

In addition, CMAP considers any and all information regarding the relationship of the requested amendment to the following four criteria.

6. The proposed amendment should have the endorsement of the designated management agency for wastewater treatment and substantial support by the municipalities within the affected facility planning area.

Supporting Legislation and Regulations: Illinois Water Quality Management Plan and Ill. Admin. Code, Title 35, Subtitle C, Chap. II, Part 351, Subpart B, Section 351.202, 5.

7. The proposed amendment should not adversely affect adjoining units of government.

Supporting Legislation and Regulations: Illinois Water Quality Management Plan and Ill. Admin. Code, Title 35, Subtitle C, Chap. II, Part 351, Subpart B, Section 351.202, 5.

8. The proposed amendment should be consistent with other county and regional plans or State policies.

Supporting Legislation and Regulations:

Agricultural/Farmland Protection – Farmland Protection Policy Act (7 USC 4201 et seq.), the Illinois Farm Land Preservation Act (Public Act 82-945) (505 ILCS 75/1), and 8 Illinois Administrative Code 700.10 et seq. (NIPC Procedures and Criteria for Proposed FPA Expansions affecting Identified Agricultural Protection Areas is delineated in Appendix VII.)

Landmarks, Historical, and Archeological Sites – Historic Sites Act of 1935 (16 USC 461 et seq..), Archeological & Historic Preservation Act of 1974 (16 USC 469 et seq.), Presidential Executive Order Number 11593, and the National Historic Preservation Act (Section 106)

Fish and Wildlife Protection – Fish and Wildlife Coordination Act (16 USC 661 et seq.), Endangered Species Act (16 USC 1531 et seq.) Illinois Admin. Code, Title 17, Chapter I, Subchapter c, Section 1010.30. Illinois Water Quality Management Plan – Hydrographic Modification, Stream Use, Water Quality Standards.

9. Consideration will be given to evidence of municipal or county zoning approval and commencement of development activity prior to *Areawide Water Quality Management Plan* adoption in January 1979.

Supporting Legislation and Regulations: Areawide Water Quality Management Plan for Northeastern Illinois (Adopted 1/4/79).

THE NEED TO COORDINATE WASTEWATER FACILITY PLANNING WITH COMPREHENSIVE PLANNNING

Land use and population projections should be consistent in both plans. This may be particularly challenging in the case of a sanitary district or a regional FPA which includes multiple management agencies. Projections also should be current to facilitate timely amendments of FPA boundaries and treatment facility capacities.

Proactive facility planning should reduce the likelihood of treatment facilities exceeding design capacities and thereby contaminating receiving waters with poorly treated effluent. Because facility plans are prepared for a 20-year planning horizon, and because actual growth and wastewater needs can change dramatically over 20 years, there my be a need to update the facility plan on a periodic basis.

A comprehensive facility plan should include the following components:

- description of the existing FPA, including boundaries, existing and future population, land use, and an assessment of consistency with regional forecasts
- coordination with adopted land use/comprehensive plans
- description of existing receiving stream water quality and use impairments
- description of effluent standards and performance of existing facilities
- boundaries for present and future wastewater service, considering watershed boundaries
- existing and future wastewater service needs (e.g., capacities)
- analysis of wastewater treatment options, including cost-effectiveness
- analysis of wastewater conveyance options, with cost effectiveness
- description of cost impacts on wastewater system users
- infiltration/inflow analyses
- analysis of alternative discharge locations to minimize water quality impacts
- analysis of regional treatment alternatives
- recommended treatment facilities and interceptor sewers
- analysis of residual sludge disposal alternatives
- watershed considerations, including nonpoint source control strategies
- analysis of water supply implications

- description of financial, legal, institutional, and management arrangements of the applicant to implement the plan
- documented public participation process
- documented intergovernmental coordination process

Facility plans should address a *20-year* planning horizon. A 20-year facility planning area is large enough to accommodate and plan for expected future growth but it is small enough to help ensure that resultant growth is reasonably compact and contiguous.

Appendices

Appendix I

Deferral Guidelines – Adopted 4/89

Initial deferrals can be given at the discretion of the Wastewater Committee for one meeting cycle (approximately 30 days). Deferrals may be based upon, but not limited to, the following situations:

- Absence of Illinois Department of Agriculture's statutorily required review;
- Request of applicant;
- If further information is required to ascertain amendment's consistency with five prerequisite criteria: meets IEPA standards, forecast consistency, and financial assurances:
- Request of the designated management agency for the affected facility planning area.

Further deferrals for one additional meeting cycle to accomplish specific tasks will be considered if:

- Data documents adverse impacts of a regional nature;
- There is a need for IEPA clarification of a particular point, policy, etc.;
- Request is inconsistent with county/local zoning and/or planning; and
- Major "new or clarifying" information is submitted that addresses one of the three prerequisite criteria.

Actions to be accomplished and responsible parties would be clearly specified.

Appendix II

Procedures for Receipt of Late Comments – Adopted 5/89

Category A: Comments arriving less than 10 working days prior to the meeting but before the mailing of annotated meeting materials:

Comments submitted during this period would be mailed separately to Committee members prior to the meeting. At the meeting, Committee members would ask staff:

- a) if staff and any affected parties have had adequate time to analyze the materials;
- b) if the late submitted materials are important to the Committee's discussion and consideration of the amendment request; and
- c) if the late information submitted relates to the Committee's "Deferral Guidelines"

Category B: Comments arriving after the mailing of annotated meeting materials but before meeting date:

Comments received after the mailing of Committee meeting materials would be distributed at the Committee's meeting. At the meeting, Committee members would ask staff:

- d) if staff and any affected parties can respond to the late submitted materials;
- e) if the late submitted materials are important to the Committee's discussion and consideration of the amendment request; and
- f) if the late information submitted relates to the Committee's "Deferral Guidelines."

Category C: Late comments/information presented at the Committee meeting.

Meeting comments are considered under the CMAP's "Deferral Guidelines."

Appendix III

Procedures for Revision of CMAP's Endorsed Forecasts

If presented with 1) requests from local governments to adjust the forecasts; 2) growth monitoring information that suggests the need for re-evaluation; 3) requests from the State of Illinois to reconsider the regional total; or 4) forecast-related changes in CMAP's plans and policies, the Chicago Metropolitan Agency for Planning follows the forecast revision procedures outlined below.

CMAP staff will first make a preliminary determination as to whether the proposed or potential revision is of local or regional significance.

Revisions are considered of local significance if they:

- a) do not change county forecast totals;
- b) are of a minor nature, both in terms of amount and percent of total population in the area;
- have county endorsement and concurrence of all affected local parties;
 and
- d) have no major disruptive impact on regional or local plans and programs.

Revisions of local significance that do not necessitate a change in municipal totals will be made by CMAP staff without Wastewater Committee action unless unusual circumstances suggest otherwise. Revisions of local significance that do require a change in municipal totals will be presented, with staff recommendations, to CMAP's Planning and Policy Development Committee for consideration. The Wastewater Committee will make its recommendations concerning the proposed revision to the full CMAP Board. Formal revisions to the approved municipal forecasts will require approval of the full CMAP Board. All affected counties and municipalities will be notified of the proposed revision and CMAP meeting and will have an opportunity to comment. Revisions of regional significance, those revisions which will alter county totals and/or have major impacts on regional plans and programs, will be considered annually at a full CMAP Board meeting. All municipalities and counties will be notified of potential revisions and will have a substantial opportunity to comment.

Appendix IV

Model Resolution for Local Government Acceptance (Assurance) of Financial Responsibility				
Resolution Number Resolution Regarding Maintenance of				
(Name of Private Wastewate	r Facility/Land Treatment System)			
BE IT RESOLVED by the	of the			
County of	, Illinois as follows:			

Section 1: Purpose and Intent

The purpose of this resolution is to establish for the benefit of the public health, safety and welfare of __(government name)___, the Illinois Environmental Protection Agency, and the Chicago Metropolitan Agency for Planning, the minimum financial requirements for the maintenance, repair and replacement of the __(wastewater facility)_ to be installed in the __(name of development)_ of (location)__. These limitations and requirements are needed to insure the satisfactory performance of the Facility and to serve the Development and the public health, safety and welfare of the __(government name)__, and are in compliance with the conditions precedent to the recommendation by the Wastewater Committee of the Chicago Metropolitan Agency for Planning to allow the construction and operation of the System pursuant to the Areawide Water Quality Management Plan for Northeastern Illinois, the Illinois Water Quality Management Plan, and the issuance of permits therefor by the Illinois Environmental Protection Agency.

Section 2: Definitions

As used herein, the following words and phrases will have the following meanings unless the context clearly indicates a different meaning:

Account: The account or accounts to be established and maintained pursuant to Section 3 below Association: The _____ Association, its successors and assigns, a not-for-profit corporation under the Illinois General Not-For-Profit Corporation Act, to be established pursuant to the Declaration of Covenants, Conditions and Restrictions for the Development (if applicable). Declaration: The Declaration of Covenants, Conditions and Restrictions for _____, a copy of which is attached hereto as Exhibit A and made a part hereof. (either a declaration (i) establishing a not-for-profit corporation to own and maintain the facility or (ii) setting forth the Owner's obligations to maintain the Facility.) Facility: (define System or Plant, as applicable) Funds: The amount(s) for as identified on (designate budget line items) proposed Cash Budget for years through ____, both inclusive (minimum 20 years), a copy of which is attached hereto as Exhibit B and made a part hereof and to be collected (paid)

by ______ pursuant to the terms of the Declaration.

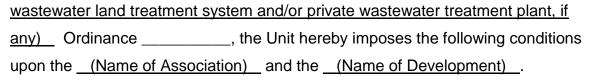
Owner: ______, being the owner of fee simple title to the real estate constituting the Development, and each person(s), who hereafter owns fee simple title to such real estate.

<u>Person</u>: A natural person, corporation, partnership, association, trust, or other legal entity, or any combination thereof.

<u>User</u>: Owner, lessee, or tenant at the Development discharging waste to the Facility.

Section 3: Condition of Granting a Permit

As a condition to granting a Permit for the Facility at the Development pursuant to (reference unit of local government's ordinance regulating private



- a) The Funds shall be used solely for the purpose of the maintenance, repair and replacement of the Facility, in accordance with __(applicable Ordinance or this Resolution) _and all other Ordinances of the Unit now or hereafter enacted by the Unit with respect to the repair, maintenance and replacement of __(private land treatment and/or private wastewater plant) _. Each user and the Association (or other responsible party) shall be responsible for the repair, maintenance and replacement of the Facility, notwithstanding that the Funds shall be insufficient to pay all costs associated therewith, and in the event of such deficiency, the Association (or other responsible party) shall levy such additional assessments (substitute for preceding if single owner the Owner shall be solely responsible for paying all additional costs,) pursuant to the terms of the Declaration, as may be necessary in order to meet its obligations hereunder and under the terms of the Declaration.

responsible party) nor the unit shall have the right to withdraw and Funds except for the purposes set forth herein.

Section 4: Unit's Responsibility

In the event the Association (or other responsible party) fails to maintain the Facility as required pursuant to all applicable Ordinances and the Declaration, the Unit will notify the Association (or other responsible party) as required pursuant to Ordinance Number _____ (if any, otherwise as required pursuant to Section 3), and if such problem is not corrected as provided therein, the Unit, through the exercise of its police powers, shall enter the Development and cause the problem to be corrected. The Unit shall utilize all or any portion of the Funds in the Account to pay all costs incurred by such Unit action and the Association (or other responsible party) shall immediately deposit into the Account an amount equal to the Funds so expended by the Unit. In the event that the Funds maintained in the Account are not sufficient to pay all costs incurred, the Unit shall cause all such costs to be paid and shall reimburse at the rate set forth in Ordinance Number _____ (if Ordinance so provides; if not, then at the rate set forth in the Declaration).

Section 5: Effective Date

This resolution shall be in full force and effect from and after its adoption.

Appendix V

Procedures for Determining Compliance with Point Source Management Policies

Urbanization of stream watersheds in northeastern Illinois has been shown to cause substantial impairment of designated uses and water quality. While point source impacts to receiving streams have been substantially reduced in older developed areas during the last two decades, adverse impacts still remain. There is particular concern regarding the addition or substantial expansion of wastewater discharges to high quality and/or low flow water bodies. These water bodies are relatively sensitive to even minor perturbations such as those often associated with a waste wastewater discharge.

It is generally assumed by wastewater permitting agencies that a facility designed to meet required effluent standards will also meet receiving stream standards and will not adversely affect designated stream uses. In reality, there is evidence to suggest most treatment facilities will fail to meet effluent standards on occasion and that treatment reliability is generally the lowest for small facilities. There is also evidence to indicate that even when a facility consistently meets its effluent standards it may still have adverse effects on the receiving stream. For example, some treatment facility discharges are low in dissolved oxygen (something typically not specified in NPDES effluent standards). Such a discharge could cause a violation of dissolved oxygen standards in the receiving stream.

The Illinois Water Quality Management Plan addresses the issue of treatment plant reliability through several recommendations. First, it states that local DMAs are primarily responsible for ensuring the quality of effluent. It also encourages the incorporation of existing miscellaneous and privately owned point sources into the publicly owned systems and discourages the construction of new interim plants or the expansion of plants to be phased out.

Because even minor or short-term disruptions in effluent quality can severely affect low-flow streams, it is argued that special consideration should be given to permitting wastewater discharges in these instances. In particular, it is recommended that new or substantially expanded discharges to small high quality streams be avoided. If such discharges cannot be avoided, then special facility designs should be required to ensure effluent reliability.

An evaluation of whether new facilities or expansions can be avoided should consider all practical alternatives.

- The first alternative to be considered is service by an existing facility. For example, if wastewater can be routed to a facility which discharges to a large receiving stream instead of creating a new discharge to a small, high quality stream, then the existing facility should be given preference.
- Another recommended alternative is to evaluate a no-discharge system, such as land application. Again, cost differential should be weighed against predicted water quality and stream use impacts.
- Another recommended alternative is to evaluate regional treatment options which typically provide a more reliable level of effluent quality than small wastewater plants.
- Another recommended alternative is to give preference to discharges to waterbodies which have a greater assimilative capacity (i.e., larger streams as opposed to small streams or lakes).

While cost effectiveness is an important consideration, it may sometimes be preferable to implement a slightly more expensive alternative to avoid a predicted adverse water quality or stream use impact.

In cases where it is demonstrated that there are no practical alternatives to a new or expanded discharge to a sensitive receiving stream, special facility designs or operational requirements should be implemented to ensure minimization of adverse impacts.

In general, preference should be given to high-reliability technologies. In particular, redundancy can be built into critical process designs to ensure the availability of at least one operational unit if another malfunctions. Similarly, effluent polishing lagoons incorporating wetland vegetation could be required. Operationally, it may be reasonable to require that a certified operator be present at all times even for a small facility which would normally require only part-time operation.

For all facility plan amendments involving the construction of a new facility or expansion of an existing facility, the following procedures will be followed by the Wastewater Committee in reviewing the request

The applicant and/or CMAP staff will determine whether the proposed facility will discharge to a waterbody which is designated by the IEPA in the latest Illinois Water Quality Report, as being in one of the following categories: full support or partial support with minor impairment. If this condition is met and the dilution ratio (based on the estimated seven-day, ten-year low flow of the receiving waterbody) of the new or expanded discharge is less than five to one, then the applicant will be required to evaluate alternatives as described below.

- If the above conditions are met, the applicant must fully evaluate alternatives to the new or expanded discharge, such as those discussed above, which would have less impact to the receiving waterbody. This description should be included in the amendment application.
- If it is clearly demonstrated that there are no practical alternatives to the new or expanded discharge, the applicant should describe what special facility and/or operational design, as discussed above, will be used to ensure the minimization of adverse impacts to the receiving waterbody. This description should be included in Section F, paragraph 1 of the application.

In summary, it is argued that without special consideration given to new or substantially expanded discharges to small, high quality water bodies, impairment of water quality and waterbody use is inevitable. It is therefore recommended that alternative discharge locations be given preference; or if there are no practical alternatives, special features should be included in the facility's design and operation to ensure consistent protection of the receiving waterbody.

Appendix VI

Procedures for Determining Compliance with Nonpoint Source Management Policies

The *Illinois Water Quality Report for 1992-1993* documents quite clearly the extent of stream use impairment in urban watersheds in Illinois. In northeastern Illinois, urban streams fall into the two lowest categories of use attainment (non-support or partial support with moderate impairment), almost without exception. Primary nonpoint sources contributing to this impairment include urban runoff, construction site runoff, stream bank erosion, channel modification, and draining and filling of wetlands.

The *Illinois Water Quality Management Plan* states that the control of nonpoint source impacts is necessary to prevent impairment of water uses in an urban setting and includes specific recommendations for construction site runoff, urban runoff, and hydrologic modification. The Plan indicates that designated management agencies (DMAs), including municipal and county governments, are responsible for the control of nonpoint sources and that areawide planning agencies, such as CMAP, are responsible for providing technical assistance.

The Plan goes on to say that it is the responsibility of the State to control nonpoint source pollution arising from State sponsored or directed activities. It includes the requirement that an applicant address the need for effective soil erosion and sediment control, Stormwater runoff control, and stream, wetland and lake protection, via plans or ordinances, as a condition for the approval of a new FPA or an FPA modification.

The Plan also indicates that all counties, municipalities and other local authorities should adopt and enforce ordinances which are consistent with models such as CMAP's Model Soil Erosion and Sediment Control Ordinance, Model Stormwater Drainage and Detention Ordinance, Model Flood Plain Ordinance and Model Stream and Wetland Protection Ordinance.

In response to identified nonpoint source problems, CMAP's review criteria, and the recommendations of the *Illinois Water Quality Management Plan*, all applicants for water quality plan amendments are required to furnish information which addresses local nonpoint source requirements (e.g., ordinances).

The application includes a checklist which addresses a series of standards and criteria for stormwater management, soil erosion and sediment control, floodplain management, and stream, lake and wetland management. In general, these standards are consistent with those which should be implemented for

construction activities under the State's NPDES permitting regulations for industrial activity.

While consideration by CMAP (and the State) of these nonpoint source control criteria as part of the water quality amendment process is relatively new, a number of local governments in northeastern Illinois have adopted local programs and control measures consistent with the *Illinois Water Quality Management Plan* or CMAP policies and ordinances.

In reviewing all applications, the following procedures will be followed by the Wastewater Committee.

- All applicants will be required to complete Section E of CMAP's application which addresses nonpoint source control standards
- For applications involving very small amendments (e.g., typically less than about 10 acres) of existing FPAs, the Wastewater Committee will not require consistency with its nonpoint source standards as a condition for support of the request. However, the Wastewater Committee will recommend that the applicant (or other relevant DMAs) consider adoption of those standards.
- For applications involving amendments of existing FPAs in which the subject land areas contain few sensitive features, such as wetlands, and the receiving water bodies are already substantially impaired, the Wastewater Committee will require that the applicant adopt only those comparable nonpoint source control standards which are relevant to protecting water quality and stream uses. In most such cases, relevant standards will include those addressing soil erosion and sediment control, floodplain management and stormwater drainage and detention.

In determining consistency with CMAP's recommended standards, it will not be necessary for the applicant to adopt verbatim the CMAP model ordinance and all relevant technical criteria; rather the local ordinances and/or regulations should be consistent with the <u>standards</u> contained in the amendment application checklist and the CMAP models. The applicant must demonstrate by submission of appropriate ordinances (or other relevant documents) that all relevant DMAs have adopted the required standards before support is given for the amendment request. Further, the Wastewater Committee will recommend that the applicant (and other responsible DMAs) consider adoption of additional standards consistent with the complete checklist, and submit relevant ordinances to the Wastewater Committee at a future date.

For applications involving amendments of existing FPAs or FPA expansions in which the subject land areas contain significant sensitive features, such as wetlands, and/or the receiving water bodies fully support designated uses or are affected by only minor impairments, the

Wastewater Committee will require that the applicant (and all relevant DMAs) adopt all relevant nonpoint source control standards as identified in the checklist. In determining consistency with CMAP's recommended standards, it will not be necessary for the applicant to adopt verbatim the CMAP model ordinances and all relevant technical criteria; rather the local ordinances should be consistent with the <u>standards</u> contained in the amendment application checklist and the CMAP models. The applicant must demonstrate, by submission of appropriate ordinances (or other relevant documents), that all responsible DMAs have adopted the required standards before support is given for the amendment request.

If an applicant indicates a willingness to adopt the required nonpoint source control standards but is unable to complete the ordinance adoption process in time for staff review prior to the scheduled meeting of the Wastewater Committee, the Wastewater Committee may recommend conditional support to the IEPA, contingent on the receipt of adequate adopted ordinance language from the applicant. It will be understood by CMAP and IEPA that approval of the application should be withheld until acceptable ordinance language has been received and the Wastewater Committee recommends removal of the condition.

The Wastewater Committee thus will continue to recommend that any IEPA action on a requested amendment be conditioned upon the applicant's submittal to the IEPA and CMAP information documenting the adoption and enforcement of appropriate and nonpoint source control standards by all appropriate and responsible DMAs.

Appendix VII

Procedures and Criteria for Proposed FPA Expansions Affecting Identified Agricultural Preservation Areas

It is the policy of the Chicago Metropolitan Agency for Planning to maintain areas designated as "agricultural preservation" in the *Strategic Plan for Land Resources Management* for farming and uses ancillary to and supportive of the farming economy and community. Agricultural preservation areas also include agriculture areas cited in officially-adopted county or municipal land use plans, as well as all areas designated by the State of Illinois through the Illinois Agricultural Area Conservation and Protection Act. Agricultural preservation areas are regarded as inappropriate for estate, suburban and urban-type development. Only under special conditions, defined by adopted criteria, will designations of agricultural preservation be modified to accommodate development not related to farming.

All amendment requests impacting Agricultural Preservation Areas exceeding one hundred acres require a full "Level I" plan amendment process including a public hearing and action by the Wastewater Committee.

When Facility Planning Areas are proposed to be extended into an agricultural preservation area, the applicant must demonstrate that the proposed FPA amendment, which includes areas in the Agricultural Preservation Area, has been planned in a manner that will minimize adverse impacts on agricultural resources and farming operations. A recommendation by the Wastewater Committee will be based on the degree to which the proposal satisfies all of the following criteria:

- (1) a minimum amount of Agricultural Preservation Area is included in the FPA amendment;
- (2) expansion of the FPA into the Agricultural Preservation Area is necessary to accommodate growth consistent in amount with CMAP forecasts;
- (3) the FPA expansion is based upon a comprehensive planning process which considers farmland preservation;
- (4) the FPA expansion is required to accommodate an economic development opportunity of regional significance not provided for in a county or municipal plan; and
- (5) the applicant provides assurances that the proposed wastewater treatment and development regulations will protect water quality in the expanded FPA and in Agricultural Preservation Area that could be affected by development within an expanded FPA.

These criteria do not preclude the use of other, general criteria used by the Wastewater Committee in reviewing proposed amendments to Facility Planning Areas. An extension of an FPA into the Agricultural Preservation Area cannot be approved without amendment of the Agricultural Preservation Area to remove this designation from the area within the extended FPA.

Agricultural Preservation Areas

Insert map

This map presents the agricultural preservation areas in a generalized fashion. More detailed maps are available in the planning department offices of McHenry, Kane and Will counties.

PLANNING RESOURCES

AVAILABLE FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Financial Capability Guidebook, March 1984

Construction Grants – 1985, Municipal Wastewater Treatment, July 1984

Management of On-Site and Small Community Wastewater Systems, July 1982

Small Wastewater System – Alternative Systems for Small Communities and Rural Areas, January 1980.

AVAILABLE FROM THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Illinois Water Quality Management Plan, revised annually Illinois Water Quality Report: 1992-1993, August 1994

Procedures and Requirements for Conflict Resolution in Revising Water Quality Management Plans (35 III. Administrative Code, Title 35, Ch. II, Part 351)

Procedures and Requirements for Contested Case Hearings (35 III. Administrative Code, Title 35, Ch. II, Part 168)

AVAILABLE FROM THE CHICAGO METROPOLITAN AGENCY FOR PLANNING

Areawide Water Quality Management Plan for Northeastern Illinois, January 1979 (Available for examination in NIPC library.)

Best Management Practice Guidebook, 1992

Data Bulletin No. 91-1, 1990 Census Housing Units and Population by Race and Spanish Origin for Northeastern Illinois Municipalities, Counties, Townships, and Chicago Community Areas, with Selected 1980 Statistics

Environmental Considerations in Comprehensive Planning: A Manual for Local Officials, 1994

Facility Planning Area (FPA) boundary Maps for northeastern Illinois with accompanying tabular listings show permitted wastewater facilities and facility planning area boundaries as contained in the Illinois Water Quality Management Plan. Tabular tables also delineate designated management agencies by FPA

with current and planned public and private treatment facilities and discharge points, Updated annually in June.

Interim Revised Population, Households and Employment in Northeastern Illinois for 2010, 1991

Landscaping Techniques and Materials for Urban Illinois Stream Corridors and Wetland Edges, 1991

Model Floodplain Ordinance, 1989

Model Soil Erosion and Sediment Control Ordinance, 1991

Model Stormwater Drainage and Detention Ordinance, updated 1994

Model Stream and Wetland Protection Ordinance, 1988

Regional Septage Disposal Plan, An Element of the Areawide Water Quality Management Plan for Northeastern Illinois, September 1981

Stormwater Detention for Water Quality Benefits, 1986

Strategic Plan for Land Resource Management, June 1992

Urban Stormwater Best Management Practices for Northeastern Illinois, A Course Notebook, 1993

Water Quality Management Plan Amendment Process and Procedures, revised 1996

Water Quality Management Plan – Amendment Application of the Chicago Metropolitan Agency for Planning, revised 1996

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